



GARDEN GROVE

AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center
11300 Stanford Avenue

Thursday, July 28, 2022

9:00 a.m.

Members of the public who wish to comment on matters before the Zoning Administrator, in lieu of doing so in person, may submit comments by emailing public-comment@ggcity.org no later than 3:00 p.m. the day prior to the meeting. The comments will be provided to the Zoning Administrator as part of the meeting record.

COVID-19: Masks are not required, however, the public is encouraged to wear masks in City facilities. Please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Comments by the Public. Each speaker shall be limited to three (3) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, should contact the Department of Community & Economic Development at (714) 741-5312 or email planning@ggcity.org 72 hours prior to the meeting to arrange for special accommodations. (Government Code §5494.3.2).

All revised or additional documents and writings related to any items on the agenda, which are distributed to the Zoning Administrator within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the Community Meeting Center at the time of the meeting.

Agenda item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Zoning Administrator may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

1. PUBLIC HEARING ITEM(S):

a. CONDITIONAL USE PERMIT NO. CUP-226-2022

APPLICANT: Khanh Le, LLC

LOCATION: 10130 Garden Grove Boulevard #133

REQUEST: Conditional Use Permit approval to allow an existing restaurant, King Street Food, to operate with a State Alcohol Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine) License. The site is in the GGMU-1 (Garden Grove Boulevard Mixed Use 1) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 - Existing Facilities - of the State CEQA Guidelines.

2. COMMENTS BY THE PUBLIC

3. ADJOURNMENT

GARDEN GROVE ZONING ADMINISTRATOR MEETING
Garden Grove Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes
Thursday, July 14, 2022

CALL TO ORDER: 9:00 a.m.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-225-2022

Applicant: Mark Tornow
Location: 7511 Chapman Avenue .
Date: July 14, 2022

Request: Conditional Use Permit approval to operate Cylinder Enterprises, a new automotive towing and vehicle storage yard business. The site is in the M-1 (Industrial) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Mark Tornow, Andy Garcia, Jordan Tornow. Stefan Foels asked for clarification on environmental impact concerns related to waste oil, the need to slurry or pave the parking lot to prevent hazardous materials seeping into the soil, the length of time automobiles are stored, allowing wrecked car storage, and the extent of automobile repair allowed. The applicant responded that the business would be in compliance with any environmental issues. Staff stated that concerns would also be addressed through the building permit process.

Action: The Zoning Administrator adopted Decision No. 1822-22 with the addition of the standard conditions as noted below:

Water Services Division

58. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards, and shall be tested by a certified backflow device tester immediately after installation. Cross-connection inspector shall be notified for inspection after the installation is completed. The owner shall have the RPPD device tested once a year thereafter by a certified backflow device tester, and the test results to be submitted to Public Works, Water Services Division. The property owner must open a water account upon installation of the RPPD device.

Zoning Administrator Minutes

- 59. There is an existing sewer easement along the northerly property line. There shall be no structures or utilities built on, or crossing, the sewer main easement.
- 60. No permanent structures, trees, or deep-rooted plants shall be placed over the sewer main.

PUBLIC HEARING – VARIANCE NO. V-037-2022

Applicant: Adam Stubendorff
Location: 12262 Topaz Street
Date: July 14, 2022

Request: A Variance request to deviate from the minimum rear yard setback requirement of the R-1 (Single-Family Residential) zone, Municipal Code Section 9.08.040.020A (Residential – General Development Standards), for the construction of a second-story balcony partially within the rear setback. The site is at 12262 Topaz Street (Assessor’s Parcel No. 130-601-14). In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Adam Stubendorff. One letter of opposition was submitted by Erin Broun, which stated that the applicant should utilize the land parcel in compliance with the Municipal Code to avoid setting a precedent for others to construct residential projects that do not fit the parcel.

Action: The Zoning Administrator adopted Decision No. 1823-22.

ORAL COMMUNICATIONS – PUBLIC: None.

ADJOURNMENT: The Zoning Administrator adjourned the meeting at 9:35 a.m.

Judith Moore, Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a	SITE LOCATION: Southwest corner of Garden Grove Boulevard and Brookhurst Street, at 10130 Garden Grove Boulevard #133.
HEARING DATE: July 28, 2022	GENERAL PLAN: Residential/Commercial Mixed Use 1
CASE NO.: Conditional Use Permit No. CUP-226-2022	ZONE: GGMU-1 (Garden Grove Boulevard Mixed Use 1)
APPLICANT: Khanh Le, LLC	CEQA DETERMINATION: Exempt – Section 15301 – Existing Facilities
PROPERTY OWNER: TN INVESTMENTS GROUP, LLC	APN: 098-070-65

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to operate an existing restaurant, King Street Food, with an original State Alcoholic Beverage Control (ABC) Type "41" (On-sale, Beer and Wine, Eating Place) License. Upon approval of the request, the Conditional Use Permit No. CUP-279-09 that previously governed the sale of beer and wine at the subject tenant space will become null and void.

BACKGROUND:

The subject property is a multi-tenant commercial plaza located on the southwest corner of Garden Grove Boulevard and Brookhurst Street. The property is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1), and has a General Plan Land Use designation of Residential/Commercial Mixed Use 1. The subject property abuts GGMU-1 zoned properties to the south and west; GGMU-2 (Garden Grove Mixed Use 2) zoned properties, across Brookhurst Street, to the east; and Planned Unit Development No. PUD-123-09 zoned properties, across Garden Grove Boulevard, to the north. Surrounding uses include new multi-family residential developments to the west and, across Garden Grove Boulevard, to the north; and commercial services to the south and, across Brookhurst Street, to the east. Existing uses within the plaza include restaurants, retail, professional and medical offices, and a beauty salon.

King Street Food is an existing eating establishment that specializes in Vietnamese cuisine. The restaurant currently occupies Unit 133, located on the ground floor of the two-story building located along the southerly property line. Per City's records, Unit 133 always has been used as a restaurant. Between 2008 and 2019, Unit 133

was occupied by a Japanese restaurant, East-West Shabu Shabu. The Japanese restaurant was operating with an ABC Type "41" (On-sale, Beer and Wine, Eating Place) License under the governance of the Conditional Use Permit No. CUP-279-09 until its closure in 2019. Per ABC's records, the ABC Type "41" License associated with the Japanese restaurant was terminated around the same time the restaurant was closed down. The King Street Food restaurant took over the tenant space immediately; however, the restaurant has been serving food without alcohol sale. The applicant wishes to operate the restaurant with an original State ABC Type "41" License. Section 9.18.060.030 of the Municipal Code requires a Conditional Use Permit to operate the restaurant with an original ABC License. Upon the approval of the Conditional Use Permit No. CUP-226-2022, the previously approved Conditional Use Permit No. CUP-279-09 will become null and void.

DISCUSSION:

King Street Food restaurant is specializing in Vietnamese cuisine. The restaurant tenant space has an approximate floor area of 1,500 square feet. The floor area will consist of a dining area, a reception area, a kitchen, hallway, and a restroom.

King Street Food restaurant will continue to operate as a full-service restaurant, and beer and wine sales will be permitted only for on-site consumption. Beer and wine is intended to complement meals, and enhance the dine-in experience. Sales of alcohol will be incidental to the service of food. At no time shall the quarterly sales of alcohol exceed 35% of the quarterly sales of food.

King Street Food restaurant hours of operation will remain the same, from 11:00 a.m. to 11:00 p.m., seven (7) days a week. These hours are consistent with the City's standard operating hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The restaurant is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control on-sale licenses. In order to approve the request, a Finding of Public Convenience or Necessity is required. A summary of the district and the Findings of Public Convenience or Necessity can be found in Decision No. 1824-22 for Conditional Use Permit No. CUP-226-2022.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for an ABC Type "41" License will apply.

CEQA:

CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing facilities, with negligible or no expansion of use (CEQA Guidelines §15301). The subject request for the ABC License does not expand the use of the restaurant. The restaurant is a permitted

use, and the addition of the ABC license does not involve the intensification or expansion of said use. Therefore, the proposed project is exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

1. Adopt Decision No. 1824-22, approving Conditional Use Permit No. CUP-226-2022, subject to the recommended conditions of approval.



LEE MARINO
Planning Services Manager

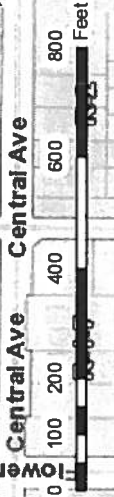
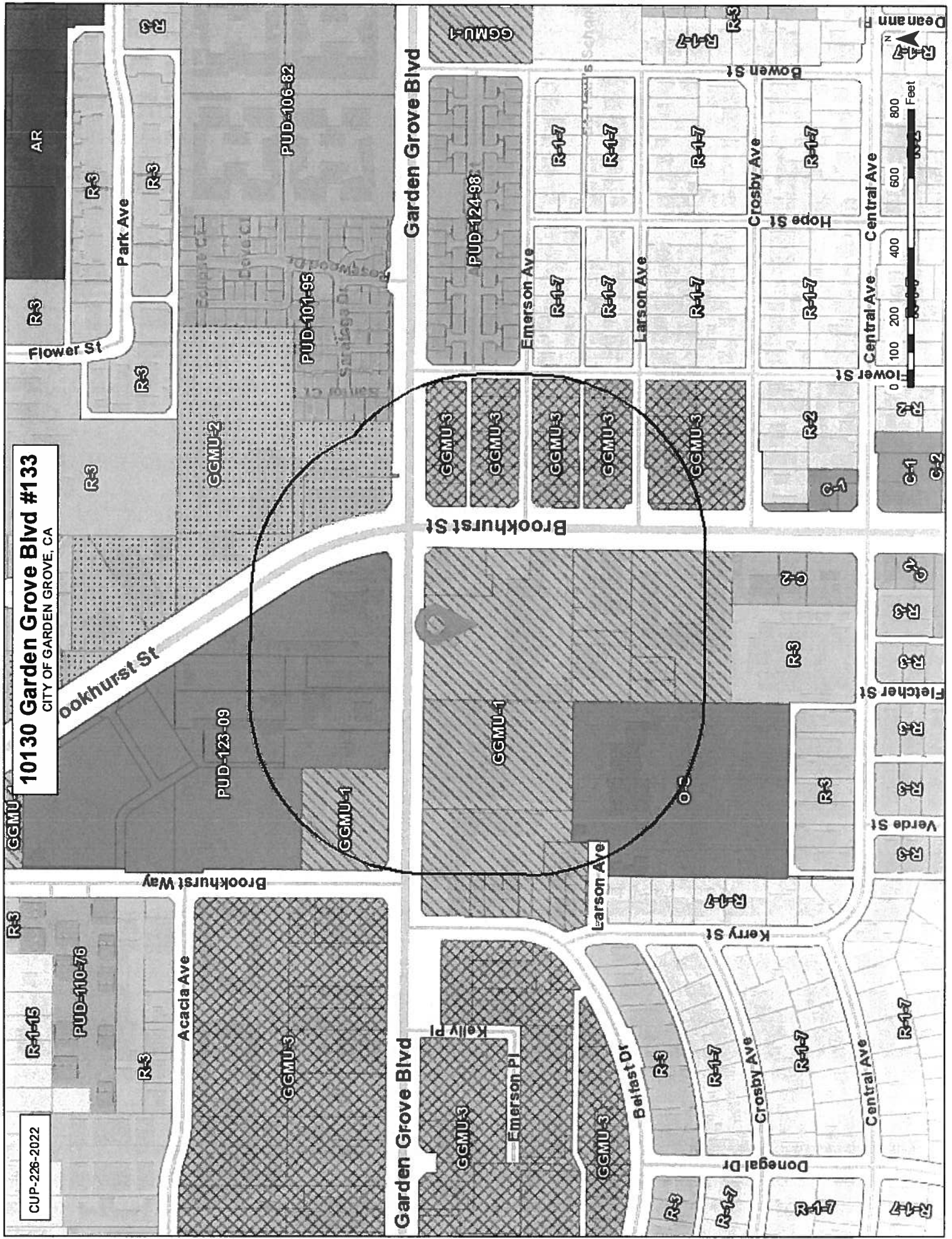


By: Huong Ly
Assistant Planner

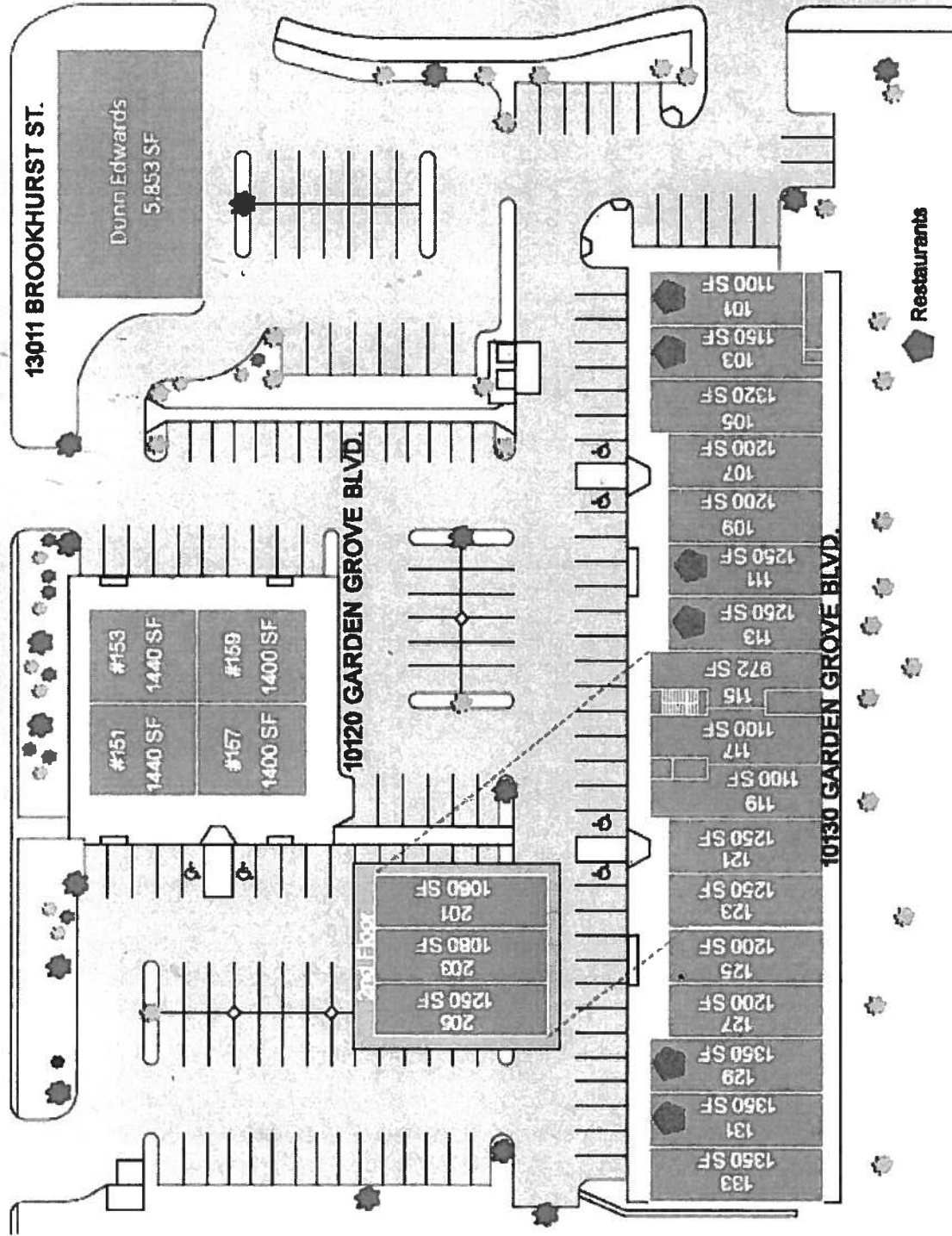
CUP-226-2022

10130 Garden Grove Blvd #133

CITY OF GARDEN GROVE, CA



**GARDEN GROVE FESTIVAL SQUARE SITE PLAN
TN INVESTMENTS GROUP**



DECISION NO. 1824-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-226-2022 FOR 10130 GARDEN GROVE BOULEVARD #133, ASSESSOR'S PARCEL NO. 098-070-65.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-226-2022 for property located on southwest corner of Garden Grove Boulevard and Brookhurst Street, at 10130 Garden Grove Boulevard #133, Assessor's Parcel No. 098-070-65.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-226-2022, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Khanh Le, LLC for King Street Food restaurant.
2. The applicant is requesting approval of a Conditional Use Permit to allow an existing restaurant, King Street Food, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 1, and is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1). The subject property is currently improved with a two-story, inline commercial plaza.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on July 28, 2022, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter during its meeting of July 28, 2022, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Zoning Administrator, as required under Municipal Code Section 9.32.030 (Conditional Use Permits), are as follows:

FACTS:

The subject property is a multi-tenant commercial plaza located on the southwest corner of Garden Grove Boulevard and Brookhurst Street. The property is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1), and has a General Plan Land Use designation of Residential/Commercial Mixed Use 1. The subject property abuts GGMU-1 zoned properties to the south and west; GGMU-2 (Garden Grove Mixed Use 2) zoned properties, across Brookhurst Street, to the east; and Planned Unit Development No. PUD-123-09 zoned properties, across Garden Grove Boulevard, to the north. Surrounding uses include new multi-family residential developments to the west and, across Garden Grove Boulevard, to the north; and commercial services to the south and, across Brookhurst Street, to the east. Existing uses within the plaza include restaurants, retail, professional and medical offices, and a beauty salon.

King Street Food is an existing eating establishment that specializes in Vietnamese cuisine. The restaurant currently occupies Unit 133, located on the ground floor of the two-story building located along the southerly property line. Per City's records, Unit 133 always has been used as a restaurant. Between 2008 and 2019, Unit 133 was occupied by a Japanese restaurant, East-West Shabu Shabu. The Japanese restaurant was operating with an ABC Type "41" (On-sale, Beer and Wine, Eating Place) License under the governance of the Conditional Use Permit No. CUP-279-09 until its closure in 2019. Per ABC's records, the ABC Type "41" License associated with the Japanese restaurant was terminated around the same time when the restaurant was closed down. The King Street Food restaurant took over the tenant space immediately; however, the restaurant has been serving food without alcohol sale. The applicant wishes to operate the restaurant with an original State ABC Type "41" License. Section 9.18.060.030 of the Municipal Code requires a Conditional Use Permit to operate the restaurant with an original ABC License. Upon the approval of the Conditional Use Permit No. CUP-226-2022, the previously approved Conditional Use Permit No. CUP-279-09 will become null and void.

King Street Food restaurant is specializing in Vietnamese cuisine. The restaurant tenant space has an approximate floor area of 1,500 square feet. The floor area will consist of a dining area, a reception area, a kitchen, hallway, and a restroom. King Street Food restaurant hours of operation will remain the same, from 11:00 a.m. to 11:00 p.m., seven (7) days a week. King Street Food restaurant will continue to operate as a full-service restaurant. Beer and wine sales will be permitted only for on-site consumption. The service of beer and wine is intended to complement meals, and enhance the dine-in experience. Sales of alcohol will be incidental to the service of food. At no time shall the quarterly sales of alcohol exceed 35% of the quarterly sales of food.

The restaurant is located in a high-crime district. With the approval of the requested license, the restaurant will also be in an area with an over-concentration of Alcoholic Beverage Control On-Sale Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 95.
- The crime count for the District is 104.
- Average crime count per district in the City is 70.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 48% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 887.02.
- ABC Census Reporting District No. 886.02 allows for seven (7) on-sale licenses within the District. Currently, there are twenty four (24) on-sale licenses in the District. The approval of this CUP will add a new ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The approval of this Conditional Use Permit will increase the number of on-sale ABC Licenses in District 887.02 by one (1). If approved, the total number of on-sale licenses in the District will be twenty five (25).

PUBLIC CONVENIENCE OR NECESSITY:

A finding for public convenience or necessity would have to be made in order to approve an establishment that is requesting a new original Alcoholic Beverage Control license that is located within a district with a high-crime rate and/or in an area with an over-concentration of ABC licenses. California Business and Professions Code Section 23817.5 prohibits the ABC from issuing new alcoholic licenses in areas of over-concentration. Business and Professions Code Section 23958 states:

The department further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.

Business and Professions Code Section 23958.4 provides the following exception:

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within ninety (90) days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local

governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

Although the subject site is located in an area considered to be in a high-crime district and in an area with an over-concentration of "on-sale" ABC licenses, a finding for public convenience or necessity is warranted given the potential community benefit through the operation of the restaurant with an ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The addition of the new ABC Type "41" License would provide and maintain an amenity that enhances the customer dining experience and maintains the intent of being a business serving the local community. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. Provided the Conditions of Approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

Furthermore, King Street Food provides an assortment of foods normally offered in restaurants. The restaurant shall be open and preparing food during all hours of operation. At all times the establishment is open, the sale of alcohol shall be incidental to the sale of food; and the quarterly gross sales of alcoholic beverages shall not exceed 35% of the total gross sale of food during the same period.

FINDINGS AND REASONS:

1. That the proposed use will be consistent with the City's adopted General Plan and redevelopment plan.

The subject property has a General Plan Land Use designation of Commercial/Residential Mixed Use 1 (RC1), and is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1). The RC1 is intended to provide a mix of higher density residential and commercial uses. The character of the area will include tall, urban, mixed-use development at important intersections/locations such as Brookhurst Street and Garden Grove Boulevard intersection. The GGMU-1 is implementing the RC1 Land Use designation. The GGMU-1 includes use regulations and development standards that encourage vibrant, urban-scale districts that attract visitors. In particular, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Measures:

Policy LU-1.4 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations. The subject restaurant is located within a commercial plaza. Existing uses in the plaza include restaurants, retail, professional and medical offices, and a beauty salon. The subject use, with the proposed service of alcohol, can further enhance the development, and the surrounding area.

Goal LU-4 Uses compatible with one another. The proposed use is a food vendor with incidental sales of alcohol within an existing inline commercial plaza that consists of a variety of uses including restaurants and offices. Dining establishments with on-site sale and consumption of alcohol are compatible with these uses, and other lighter, commercial uses. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will be compatible with other adjacent uses.

Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community. Restaurant uses, in a variety of different cuisines and services, can enhance the vitality of the City's commercial centers. The proposed Conditional Use Permit would allow for the service of alcohol to accompany the existing food served by the restaurant. The service of alcohol is intended to enhance the dining experience. This enhances the community, by providing another unique dining opportunity.

Policy LU-6.2 Encourage a mix of retail shops and services along the major corridors and in centers that better meet the community's needs. The subject request for a Conditional Use Permit allowing the service of alcohol at King Street Food would add a new use to a major commercial corridor. The area surrounding the subject restaurant already features a wide variety of commercial uses. With the subject request, the proposed use will further enhance the variety of uses in the area. By providing a vast variety of commercial uses, the shopping center, and the Garden Grove Boulevard commercial corridor can become more resilient to any future community needs.

Goal ED-2 The City must attract new businesses, while supporting and assisting those already located within Garden Grove. The restaurant, King Street Food, and its Conditional Use Permit is intended to enhance the dining experience at the subject site. Should the Conditional Use Permit be approved, the City is providing businesses all the resources they need to be successful.

SAF-IMP-2C Involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity. The Garden Grove Police Department has reviewed all relevant data pertaining to the proposed Conditional Use Permit. The intent of their review is to reduce the number of alcohol-related crimes, and promote the safe operation of the restaurant. No concerns were raised by the Police Department regarding the addition of an ABC License to the restaurant, and are therefore supportive of the Conditional Use Permit request.

2. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or

valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval can minimize potential impacts to the adjoining area. The hours of operation of restaurants with alcohol sales are permitted between 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. King Street Food restaurant currently operates within those allowances, from 11:00 a.m. to 11:00 p.m., seven (7) days a week. Upon the approval of the Conditional Use Permit, the subject restaurant intend to maintain the same hours of operation. Limitations on the hours of alcohol sales can limit any impacts on the surrounding area.

The use will not unreasonably interfere with the use, enjoyment, or valuation of other property located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as a restaurant, with alcohol sales for on-site consumption only, the use will be compatible with the existing commercial development, and the surrounding uses.

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. No modifications are required to any of the existing site development features on site. This includes any buildings, yards, walls, fences, parking and loading facilities, and landscaping. The subject tenant space is currently in operation as a restaurant, and is of adequate size to accommodate the proposed use within the surrounding development and area.

4. That the proposed site is adequately served: by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and by other public or private service facilities as required.

The site is located on southwest corner of Brookhurst Street and Garden Grove Boulevard. The development is adequately accessed from both corridors. On-site circulation is adequate to serve all the establishments within the subject commercial plaza. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. As a part of this request, no changes are proposed for the

design and function of the subject restaurant, or the subject plaza. Therefore, the site will continue to be adequately served by all existing highways, streets, and other public and private service facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

In addition to the foregoing, the Zoning Administrator incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-226-2022.

Dated: July 28, 2022

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-226-2022

10130 Garden Grove Boulevard #133

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Khanh Le, LLC, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of a 1,500 square foot restaurant with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been

previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Police Department

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation shall be permitted only between the hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
9. There shall be no customers or patrons in or about the premises when the establishment is closed.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcoholic beverages for consumption off of the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere outside of the establishment at any time.
12. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
13. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six (36) inches in height, which partially enclose or separate booths, shall be of a clear and transparent material. No item shall be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.

Conditional Use Permit No. CUP-226-2022
Conditions of Approval

14. The applicant shall maintain a level of lighting in the establishment sufficient to ensure that individuals inside the restaurant can be clearly seen and identified by an observer at all times. Low-level lighting that does not enable an observer to clearly see and identify individuals inside the restaurant is prohibited.
15. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
16. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
17. No employee or agent shall, be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the establishment, nor shall the business provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
19. The business shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved "Responsible Beverage Service (RBS) Training" program.
20. In the event that the Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the Planning Commission for review or further consideration.
21. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

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22. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of

- foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
23. The applicant shall schedule an inspection with the Building and Safety Division, and obtain a "Certificate of Occupancy" prior to business opening for services.
 24. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the quarterly gross sales of food.
 25. Food service shall be provided during all hours the restaurant is open, and shall also be available at all times when alcoholic beverages are being served.
 26. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
 27. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
 28. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.
 29. There shall be no live entertainment, dancing, karaoke, or disc jockey (DJ) entertainment permitted on the premises at any time. Amplified background music emitted from a jukebox or other amplified stereo system may be permitted to enhance the dining experience, but the sound emitted from the premises shall not be audible outside of the establishment.
 30. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
 31. There shall be no amusement devices permitted on the premises at any time.
 32. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.

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33. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
34. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
35. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
36. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
37. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
38. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
39. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
40. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Services Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
41. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall

- be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.
42. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to, and approved by, the Community and Economic Development Department, Planning Services Division. No advertising material shall be placed thereon.
 43. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
 44. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
 45. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
 46. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
 47. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-226-2022 shall be kept on the premises at all times.
 48. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-226-2022 and his/her agreement with all conditions of the approval.
 49. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
 50. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.

51. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-226-2022. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
52. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
53. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.